
THE CONSTITUTION OF THE NEW STATE OF DESERET.*

Whereas, A large number of citizens of the United States, before and since the treaty of peace with the Republic of Mexico, emigrated to, and settled in, that portion of the territory of the United States, lying west of the Rocky Mountains, and in the Great Interior Basin of Upper California; and,

Whereas, By reason of said treaty, all civil organization originating from the republic of Mexico became abrogated; and

* The State of Deseret is the name given by the Mormons of the Salt Lake Valley to the country in which they live. The title is of Mormon origin, signifying the "Honey Bee," as typical of industry and its kindred virtues.

Whereas, The Congress of the United States has failed to provide a form of civil government for the territory so acquired, or any portion thereof; and

Whereas, Civil government and laws are necessary for the security, peace, and prosperity of society; and

Whereas, It is a fundamental principle in all republican governments, that all political power is inherent in the people; and governments instituted for their protection, security and benefit, should emanate from the same—

Therefore, Your committee beg leave to recommend the adoption of the following Constitution, until the Congress of the United States shall otherwise provide for the government of the territory hereinafter named and described.

We, the people, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the state of Deseret; including all the territory of the United States within the following boundaries, to wit: commencing at the 33d degree of north latitude, where it crosses the 108th degree of longitude, west of Greenwich; thence running south and west to the northern boundary of Mexico; thence west to, and down the main channel of the Gila River, on the northern line of Mexico, and on the northern boundary of Lower California to the Pacific Ocean; thence along the coast north-westerly to 118 deg. 30 min. of west longitude; thence north to where said line intersects the dividing ridge of the Sierra Nevada mountains; thence north along the summit of the Sierra Nevada mountains to the dividing range of mountains that separate the waters flowing into the Columbia river, from the waters flowing into the Great Basin; thence easterly, along the dividing range of mountains that separate said waters flowing into the Columbia River on the north, from the waters flowing into the Great Basin on the south, to the summit of the Wind River chain of mountains; thence south-east and south, by the dividing range of mountains that separate the waters flowing into the Gulf of Mexico from the waters flowing into the Gulf of California; to the place of beginning, as set forth in a map drawn by Charles Preuss, and published by order of the Senate of the United States, in 1848.

ARTICLE I.

The powers of government of the state of Deseret shall be divided into three distinct departments, viz.:—Legislative, Executive and Judiciary.

ARTICLE II.—OF THE LEGISLATIVE.

Sec. 1. The legislative authority of this state shall be vested in a general assembly, consisting of a senate and house of representatives; both to be elected by the people.

Sec. 2. The session of the general assembly shall be annual; and the first session be held on the first Monday of July next; and, thereafter, on the first Monday of December, unless the governor of the state shall convene the assembly, in the interim, by proclamation.

Sec. 3. The members of the house of representatives shall be chosen biennially, by the qualified electors of their respective districts, on the first Monday in August; whose term of office shall continue two years from the day of the general election.

Sec. 4. No person shall be a member of the house of representatives, who has not attained the age of twenty-five years; the same to be a free white male citizen of the United States, and an inhabitant of this State one year preceding the time of his election, and a resident of the district or county thirty days next preceding his election; and have, at his election, an actual residence in the district he may be chosen to represent.

Sec. 5. Senators shall be chosen for the term of four years, at the same time

and place of representatives; they shall be thirty years of age, and possess the qualifications of representatives, as to residence and citizenship.

Sec. 6. The number of senators shall not be less than one-third, nor more than one-half of the representatives; and at the first session of the general assembly, after this constitution takes effect, the senate shall be divided by lot, as equal as may be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of two years, so that one-half of the Senate shall be elected biennially.

Sec. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members, and contested elections shall be determined in such a manner as shall hereafter be determined by law.

Sec. 8. A majority in each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalty as each house may provide.

Sec. 9. Each house shall have all powers necessary for a branch of the General Assembly of a free and independent government.

Sec. 10. Each member of the assembly shall be privileged from civil arrest during any session, and going to and returning from the same.

Sec. 11. Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which they may be sitting.

Sec. 12. The assembly shall, at its first session, provide for an enumeration of the white inhabitants, and an apportionment for the senators and representatives.

Sec. 13. Each member of the assembly shall take an oath or affirmation to support the constitution of the United States, and of this state; and members shall, and are hereby empowered to administer said oath or affirmation to each other.

Sec. 14. The veto power of the governor shall be allowed by the assembly, except on bills, which, when re-considered, shall be again passed by a majority of two-thirds of those present; and any bill vetoed by the governor shall be returned within ten days, (Sundays excepted,) with his objections; otherwise it shall become a law, unless the assembly, by adjournment, prevents its return.

Sec. 15. Every law passed by the assembly shall take effect from and after due publication by authority.

Sec. 16. The voters of this state may elect, at the first election, not exceeding seventeen Senators, and thirty-five Representatives.

ARTICLE III.—OF THE EXECUTIVE.

Sec. 1. The executive power shall be vested in a governor, who shall hold his office for four years. A lieutenant governor shall be elected at the same time, and for the same term, who shall be the president of the senate.

Sec. 2. No person shall be eligible to the office of governor or lieutenant governor, who has not been a citizen of the United States, and a resident of this State, two years next preceding his election, and attained the age of thirty-five years at the time of his election.

Sec. 3. The governor shall be commander-in-chief of the militia, navy, and all the armies of this state.

Sec. 4. He shall transact all executive business with the officers of government, civil and military; and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Sec. 5. He shall see that the laws are faithfully executed.

Sec. 6. When any office shall, from any cause, become vacant, and no mode

is prescribed by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire when such vacancy shall be filled by due course of law.

Sec. 7. He shall also have power to convene the general assembly by proclamation, when, in his opinion, the interests of the state require it.

Sec. 8. He shall communicate by message to the general assembly, at every session, the condition of the state, and recommend such matters as he shall deem expedient.

Sec. 9. In case of disagreement in the general assembly, with regard to the time of adjournment, the governor shall have power to dissolve the session by proclamation.

Sec. 10. No person shall, while holding any lucrative office under the United States, or this State, execute the office of governor, except as shall be prescribed by law.

Sec. 11. The governor shall have power to grant reprieves and pardons, and commute punishments after convictions, except in cases of impeachments.

Sec. 12. The governor shall receive for his services such compensation as shall hereafter be provided by law.

Sec. 13. There shall be a seal of this state, which shall be kept by the governor, and used by him officially; and shall be called the great seal of the State of Deseret.

Sec. 14. All grants and commissions shall be in the name and by the authority of the people of the State of Deseret; sealed with the great seal of this State, signed by the governor, and countersigned by the secretary of state.

Sec. 15. A secretary of state, auditor of public accounts, and treasurer, shall be elected by the qualified electors, who shall continue in office for the term of four years. The secretary of state shall keep a fair register of all the official acts of the governor, and shall, when required, lay the same, together with all papers, minutes and vouchers, relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law.

Sec. 16. In case of the impeachment of the governor, his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor, until such disability shall cease, or the vacancy be filled.

ARTICLE IV.—OF THE JUDICIARY.

Sec. 1. The judicial power shall be vested in a supreme court, and such inferior courts as the general assembly shall from time to time establish.

Sec. 2. The supreme court shall consist of a chief justice, and two associates, either two of whom shall be a quorum to hold courts.

Sec. 3. The judges of the supreme court shall be elected by joint vote of both houses of the general assembly, and shall hold their courts at such time and place as the general assembly shall direct; and hold their office for the term of four years, and until their successors are elected and qualified. The judges of the supreme court shall be conservators of the peace throughout the state, and shall exercise such other jurisdictions and appellate powers as shall be prescribed by law.

Sec. 4. The style of all process shall be the state of Deseret; and all prosecutions shall be in the name and by the authority of the state.

ARTICLE V.—OF ELECTIONS.

Sec. 1. The governor, lieutenant governor, auditor of accounts, treasurer, and secretary of state, shall be elected by the qualified electors, as provided for members of the general assembly, and at the time and place appointed for holding the same.

Sec. 2. The returns of every election for governor, lieutenant governor, auditor, treasurer and secretary of state, shall be sealed up, and transmitted forthwith to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session, open and publish them in the presence of both houses of the general assembly; and the persons receiving a majority of all the legal votes cast for their respective offices, shall be declared duly elected.

Sec. 3. The governor, lieutenant governor, auditor, treasurer and secretary of state, shall, before entering upon the duties of their respective offices, take an oath or affirmation, to support the constitution of the United States, and of this state; which oath, or affirmation, shall be administered by the speaker of the house of representatives.

Sec. 4. The first election for members of the general assembly, and other officers under this constitution, shall be held on the first Monday of May next, at the usual places of holding public meetings, in the different districts and settlements; at which time and place the qualified voters shall vote for or against the adoption of this constitution; and if a majority of all the legal votes shall be in favour of its adoption, the same shall take effect from and after said election.

Sec. 5. At the time and place of holding the elections, the qualified electors shall organize the polls by appointing two judges, who shall be authorized to qualify each other, and appoint two suitable persons as clerks; and said judges shall, at the close of said election, seal up the number of votes so cast, and forthwith transmit them to the president of this convention.

Sec. 6. The returns of the first election herein provided for, shall be made to the chairman of this convention, who, together with the two secretaries, shall proceed immediately to open said returns, and count the votes; upon ascertaining the persons receiving a majority of votes, they shall forthwith notify them of their election.

Sec. 7. The general assembly shall, at its first session, provide by law a general system of election for officers, under this constitution, and such other officers as may be hereafter created by law.

Sec. 8. The manner of voting shall be by ballot.

Sec. 9. The general assembly shall meet at Great Salt Lake city, which place shall be the seat of government until otherwise provided by law.

Sec. 10. All white male residents of this state, over the age of twenty-one years, shall have the privilege of voting at the first election, and at the adoption of this constitution; provided, that no person in the military, naval, or marine service of the United States, shall be considered a resident of this state, by being stationed in any garrison, barrack, military or naval place, or station within this state, unless otherwise provided for by law.

ARTICLE VI.—OF MILITIA.

Sec. 1. The militia of this state shall be composed of all able-bodied white male citizens, between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt, by the laws of the United States, or of this state, and shall be armed, equipped and trained, as the general assembly may provide by law.

Sec. 2. All commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty in their respective divisions; and all commissioned officers shall be commissioned by the governor.

ARTICLE VII.—AMENDMENTS OF THE CONSTITUTION.

Sec. 1. If at any time the general assembly shall deem it necessary, and for the best interest of the state, that this constitution should be revised, altered or amended, the assembly shall cause such revisions, alterations or

amendments, to be published in the same manner as shall be provided for the publication of the statutes; and appoint a day, not less than thirty days thereafter, for the electors of the commonwealth to assemble in their several precincts, and vote for, or against, said revisions, alterations or amendments; and if a majority of said electors shall vote in favour of said revisions, alterations or amendments, the same shall thereafter become parts and parcels of this constitution; otherwise, this constitution shall remain unaltered.

ARTICLE VIII.—DECLARATION OF RIGHTS.

Sec. 1. In republican governments, all men should be born equally free and independent, and possess certain natural, essential, and inalienable rights, among which are those of enjoying and defending their life and liberty; acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Sec. 2. All political power is inherent in the people, and all free governments are founded in their authority, and instituted for their benefit; therefore they have an inalienable and indefeasible right to institute government; and to alter, reform, and totally change the same, when their safety, happiness, and the public good shall require it.

Sec. 3. All men have a natural and inalienable right to worship God according to the dictates of their own consciences; and the general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or disturb any person in his religious worship or sentiments; provided, he does not disturb the public peace, nor obstruct others in their religious worship; and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws; and no subordination or preference of any one sect or denomination to another, shall ever be established by law; nor shall any religious test be ever required for any office of trust under this state.

Sec. 4. Any citizen of this state, who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this state.

Sec. 5. Every person may speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that right; and no law shall be passed to abridge the liberty of speech or of the press.

Sec. 6. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures.

Sec. 7. The right of trial by jury shall remain inviolate; and all criminals shall be heard by self, or counsel, at their own election.

Sec. 8. All penalties and punishments shall be in proportion to the offence; and all offences, before conviction, shall be bailable; except capital offences, where the proof is evident, or the presumption great.

Sec. 9. The writ of *habeas corpus* shall not be suspended, unless in case of rebellion, or invasion, or the public safety shall require it.

Sec. 10. Treason against this state shall consist only in levying war against it, or adhering to its enemies, or giving them aid and comfort.

Sec. 11. The general assembly shall pass no bill of attainder, or *ex post facto* laws, or law impairing the obligation of contracts, to hinder the execution of justice.

Sec. 12. The laws shall not be suspended, but by the legislative or executive authority.

Sec. 13. The right of petition, by the people, shall be preserved inviolate.

Sec. 14. The right of citizens to keep and bear arms for common defence, shall not be questioned.

Sec. 15. Private property shall not be taken for public use, without just compensation.

Sec. 16. No standing army shall be kept up in time of peace, and the military shall, at all times, and in all places, be in strict subordination to the civil power.

Sec. 17. The enumeration of certain rights, shall not be construed to impair, nor deny others, retained by the people.

GREAT SALT LAKE CITY, GREAT BASIN, }
North America, March 8, 1849. }

MEMORIAL.

To the Honourable Senate and House of Representatives, in Congress assembled:

Your memorialists, members of the general assembly of the state of Deseret, would respectfully lay before your honourable body the wishes and interests of our constituents, together with the reasons and design of our early organization as a civil government, to which the consideration of your honourable body is most earnestly solicited.

Whereas, The history of all ages proves that civil governments, combining in their administration the protection of person, property, character, and religion—encouraging the science of agriculture, manufactures, and literature, are productive of the highest, happiest, and purest state of society; and,

Whereas, All political power is inherent in the people, and governments, to be permanent and satisfactory, should emanate from the same; and,

Whereas, The inhabitants of all newly settled countries and territories, who have become acquainted with their climate. cultivated their soil, tested their mineral productions, and investigated their commercial advantages, are the best judges of the kinds of government and laws necessary for their growth and prosperity; and,

Whereas, Congress have failed to provide, by law, a form of civil government for this or any other portion of territory ceded to the United States by the republic of Mexico, in the late treaty of peace; and

Whereas, Since the expiration of the Mexican civil authority, however weak and imbecile, anarchy to an alarming extent has prevailed—the revolver and bowie knife have been the highest law of the land—the strong have prevailed against the weak—while person, property, character and religion, have been unaided, and virtue unprotected; and,

Whereas, From the discovery of the valuable gold mines west of the Sierra Nevada mountains, many thousands of able bodied men are emigrating to that section, armed with all the implements and munitions of war; and,

Whereas, Strong fears have been, and still are entertained, from the failure of Congress to provide legal civil authorities, that political aspirants may subject the government of the United States to the sacrifice of much blood and treasure in extending jurisdiction over that valuable country; and,

Whereas, The inhabitants of the state of Deseret, in view of their own security, and for the preservation of the constitutional right of the United States to hold jurisdiction there, have organized a provisional state government, under which the civil policy of the nation is duly maintained; and,

Whereas, There are so many natural barriers to prevent communication with any other state or territory belonging to the United States, during a great portion of the year, such as snow-capped mountains, sandy deserts, sedge plains, saltærated lakes and swamps, over which it is very difficult to effect a passage; and,

Whereas, It is important in meting out the boundaries of the states and territories, so to establish them that the heads of departments may be able to communicate with all branches of their government with the least possible delay; and,

Whereas, There are comparatively no navigable rivers, lakes, or other natural channels of commerce; and whereas, no valuable mines of gold, silver,

iron, copper, or lead, have as yet been discovered within the boundaries of this state, commerce must necessarily be limited to few branches of trade and manufactures; and whereas, the laws of all states and territories should be adapted to their geographical location, protecting and regulating those branches of trade only which the country is capable of sustaining; thereby relieving the government from the expense of those complicated and voluminous statutes which a more commercial state requires; and whereas, there is now a sufficient number of individuals residing within the state of Deseret to support a state government, thereby relieving the general government from the expense of a territorial government, in that section; and in evidence of which, the inhabitants have already erected a legislative hall, equal to most, and surpassed by few in the older states—

Your memorialists, therefore, ask your honourable body to favourably consider their interests; and, if consistent with the constitution and usages of the federal government, that the constitution accompanying this memorial be ratified, and that the state of Deseret be admitted into the Union on an equal footing with other states, or such other form of civil government as your wisdom and magnanimity may award to the people of Deseret. And, upon the adoption of any form of government here, that their delegate be received, and their interests properly and faithfully represented in the Congress of the United States. And your memorialists, as in duty bound, will ever pray.

On motion, it was voted that the report be accepted, and the committee discharged from further duties.

Parley P. Pratt offered the following resolutions:—

Resolved, 1st. The senate concurring therein, that two thousand copies of this memorial, together with the constitution, and an abstract of all records, journals, and other documents pertaining to the organization of this state, be printed.

Resolved, 2d. That the President of the United States, the senate, and the house of representatives, each be furnished with a copy thereof.

The resolutions were seconded and passed.

House adjourned until Monday, at 10 A. M.

PROVISIONAL STATE OF DESERET; ss.

I hereby certify that the foregoing constitution, memorial, synopsis of journal, &c., are a true copy of public documents on file in my office.

Given under my hand, at my office, in the Great Salt Lake City, this 18th day of July, A. D. 1849.

WILLARD RICHARDS.
Secretary of State.
